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January 30, 2025

VIA ECF AND E-MAIL

MEMO ENDORSED

Honorable Katherine Polk Failla
United States District for the Southern District of New York
Thurgood Marshall United States Courthouse, Courtroom 618
40 Foley Square
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: Darin Edwin Pape v. Bodum U.S.A., Inc., Case No. 1:23-cv-08401-KPF
Joint Request To Adjourn Pre-Trial Conference or, Alternatively, to Participate in
the Conference Remotely

Dear Judge Failla:

Pursuant to the Court's September 19, 2024, Civil Case Management Plan and Scheduling Order (ECF No. 27), the parties are scheduled to appear on February 5, 2025, for a Pre-Trial Conference in the above-captioned matter. Defendant Bodum U.S.A., Inc. intends to seek leave to file a combined motion for summary judgment and to exclude Plaintiff's expert witness, Ms. Mingxi Zheng, pursuant to Fed. R. Evid. 702 after the close of discovery on March 10, 2025. Although Plaintiff opposes Bodum's request and any subsequent dispositive motion, the parties respectfully move the Court to adjourn the Pre-Trial Conference until any such dispositive motion, if permitted, is resolved.

If the Court wishes to proceed with the Pre-Trial Conference on February 5, 2025, the parties respectfully request that they be permitted to participate in the conference remotely. Plaintiff's lead counsel, Adam Kress, is located in Saint Paul, Minnesota, and Bodum's lead counsel, Jason Wheeler, is in St. Louis, Missouri. Counsel for both parties agree that the travel costs associated with their attendance at the Conference in person would be an impediment to the ultimate resolution of the case.

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Respectfully submitted,

/s/ Adam J. Kress

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Respectfully submitted,

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Counsel for Defendant Bodum U.S.A., Inc.

The parties' request to ADJOURN the conference scheduled for February 5, 2025, is GRANTED.

The Court will issue an order referring the parties to Magistrate Judge Stewart D. Aaron for a settlement conference, as requested in the parties' joint status report (Dkt. #28) and correspondence with the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 29.

Dated: January 31, 2025
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE